

### **AMENDMENTS TO THE DRAWINGS**

The attached replacement FIG. 12 is a clarification of originally filed FIG. 12. No substantive changes have been made.

## **REMARKS**

### **I. STATUS OF THE CLAIMS**

Claims 4-9, 11, 13, 17-21 and 23-27 were under examination at the time of the Action. Claims 19, 20, 26 and 27 have been canceled. Claims 6 and 21 have been amended. Support for the amended claims can be found in originally filed claims 19 and 20. Thus, claims 4-9, 11, 13, 17-18, 21, 23-25, and 27 are currently under examination.

### **II. REJECTIONS UNDER 35 U.S.C. § 112**

Claim 26 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in light of claim 21. This rejection is rendered moot because claim 26 is canceled.

### **III. STATUTORY DOUBLE PATENTING**

Claims 6 and 21 are rejected based on statutory double patenting over claims 2 and 20 of U.S. Patent 7,141,405. This rejection is rendered moot due to the addition of elements from claims 19 and 20 into claim 6 and claim 21 adding the phrase “and at least part of a structural protein coding region of HCV and/or at least part of a non-structural protein coding region of HCV.” The scope of the current claims is distinct from those in U.S. Patent 7,141,405. The rejection is now moot.

### **IV. NON-STATUTORY DOUBLE PATENTING**

Claims 4, 5, 7-9, 11, 13, 17-20, and 23-26 are rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-19, and 21-23 of U.S. Patent 7,141,405. Applicants are filing a timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) to overcome the rejection based on a nonstatutory double patenting.

The conflicting patent, U.S. 7,141,405, is commonly owned with this application. This application and U.S. Patent 7,141,405 are commonly owned by The Board of Regents of The University of Texas System and Institut Pasteur. A terminal disclaimer under 37 CFR 1.321 is concurrently filed for this application. Applicants respectfully request the double patenting rejections be withdrawn in view of the concurrently filed terminal disclaimer.

## **V. CONCLUSION**

Applicants submit that the present claims are in condition for allowance. The Examiner is invited to contact the undersigned agent at (512) 536-3167 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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